

PLANNING AND ZONING COMMISSION  
STAFF REPORT

August 4, 2016



**Planning Variance case no. PV16-13 Gardner Family Trust**

**CASE DESCRIPTION:** a 6.5-foot variance to the minimum 7.5-foot side building setback generally required on properties zoned Residential District – 5000 (RD-5), to allow the proposed installation of an carport to extend within 1 foot from the west side property line

**LOCATION:** 3723 Ravenwood Drive, located approximately 90 feet northeast of the intersection of Knight Drive and Ravenwood Drive, being Lot 2 in Block 22 of the Wheeler Ridge Subdivision – Phase 6

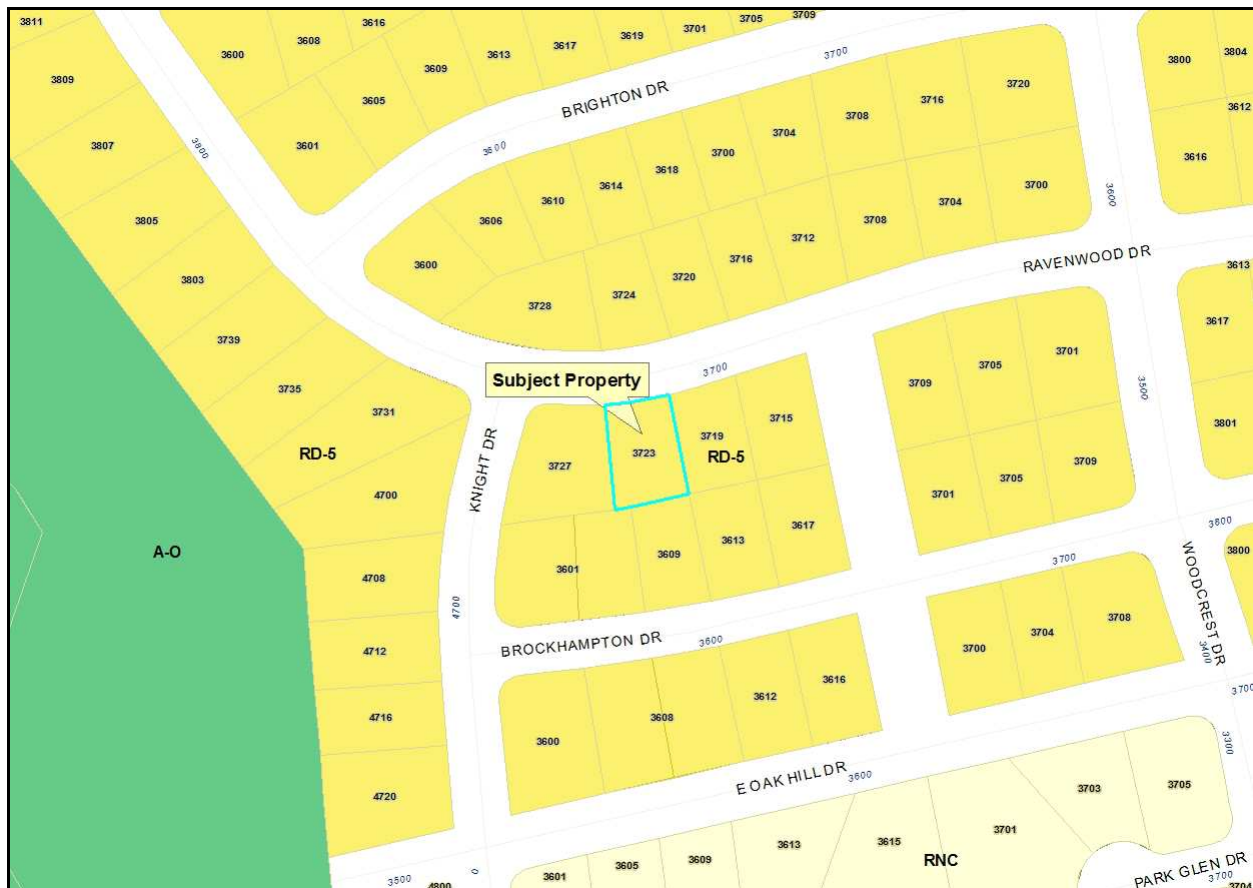
**ZONING:** Residential District – 5000 (RD-5)

**EXISTING LAND USE:** single-family residential

**PROPERTY OWNER:** Gardner Family Trust

**STAFF CONTACT:** Stephanie Doland, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **denying** the requested variance.



The applicant/property owner, Jon Gardner on behalf of the Gardner Family Trust, is requesting a 6.5-foot variance to the 7.5-foot side setback requirement for the property located at 3723 Ravenwood Drive to allow the proposed installation of a carport that is proposed to extend within 1 foot from the west side property line on the subject property. The subject property is located on the east of the intersection of Knight and Ravenwood Drives, is currently zoned Residential District-5000 (RD-5), and has been such since the City of Bryan adopted zoning regulations in 1989.

Mr. Gardner prefers to place the proposed carport structure so that the structure is in line with the existing driveway and so the structure provides shade to the western edge of the existing home. The applicant states that the proposed location will provide him with the best shade coverage for his home and will reduce the energy costs associated with cooling the existing home.

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## EXCERPT FROM THE VARIANCE APPLICATION

# Setback Variance Request

The following page should be completed **ONLY** for setback variance requests.

Please describe the type of variance being requested:

The requested variance would permit the installation of a metal carport on the west side of the property, between the house and the wooden fence on the property line. This will encroach into the setback, out to ~1' from the property line, inside the fence.

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State how the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties in the area:

Physically, the variance affects only the property immediately adjacent to the west. Visually, the proposed metal carport will be located >50' from the street, behind a 6' wooden privacy fence, so it will not be aesthetically detrimental to the surrounding neighborhood. As the carport will also cover a small travel trailer, granting the variance will benefit the surrounding area by improving the overall appearance of the property.

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State how the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties directly abutting the subject property:

The closest structure on the adjacent property is >20' from the property line, so ample physical space exists to accommodate the variance with no detrimental or injurious effects to the adjacent property. The occupants of all eight of the surrounding properties have been provided a copy of this variance request, with the attached drawings, along with a form and a stamped envelope to offer them an easy way to notify Development Services of their support of, or opposition to, this request.

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State how the hardships and difficulties imposed upon the owner are greater than the benefits to be derived by the general public through compliance with the requirements of the ordinance:

The west side of the house is the only workable space for parking the small travel trailer in a manner that is less visible from the street, and the carport will further conceal the trailer to make the property more attractive overall. The recent tornado removed all of the large shade trees on both of the properties, and the carport will replace some of the lost shade that is sorely missed by the occupants and pets. One result of the lost shade has been higher HVAC usage costs. The carport will shade ~30% of the masonry wall on the west side of the house, as well as the A/C compressor/condenser. This will reduce energy costs and extend the life of the HVAC system.

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**VIEW FROM RAVENWOOD DR:**



Proposed  
Location of  
Carport Structure



## **ANALYSIS:**

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

**Approval of this variance request would reduce the minimum building setback along the west side property line on this property by nearly 100 percent, from 7.5 feet to 1 foot. The property owner states in the application that the carport is 21 feet in length and 12 feet in width. At the most narrow point, the home is built 14.9 feet from the western property line. Therefore the proposed location of the carport structure would only allow for approximately one foot between the carport and the existing home, as well as, only one foot between the carport and the existing fence.**

**The applicant states in the recent tornadoes destroyed many large trees and reducing the amount of shade on the subject property. The applicant states that the proposed carport is for the protection of a small travel trailer and to shade the western side of the home (to help with cooling costs).**

**Staff contends that the granting of this variance will not promote the orderly growth and development of properties in the general vicinity. The single-family home on the property has covered car storage in the form of an attached two-car garage. No other properties on the same block face as the subject property have carport structures built in the setbacks. Granting this variance would allow this one property owner a special privilege not commonly enjoyed by other neighborhood properties.**

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

**The City's Fire Marshal has repeatedly voiced concerns regarding the reduction of minimum side building setbacks, saying that reducing side building setbacks increases the opportunity to have an extension of fire from one house to the next. In this particular case, the narrow distance between the existing fence/ single family home and the proposed carport (less than 1-foot on both sides), would also not allow safe passage for emergency personnel.**

**The home built to the west of the subject property is built approximately 20 feet from that property's side property line. If this variance request were approved, then in the event that the adjacent property owner's desires to develop their land up to the 7.5-foot building setback required on that property there would even be less than adequate clearance for emergency personnel or apparatus to access the rear and sides of either property. Therefore staff believes that approval of the requested variance to allow the carport in the proposed location could create an unsafe condition not only for the subject property but also for properties abutting the subject property.**

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Staff contends that denying the construction of the carport structure will not deprive the applicant of the reasonable use of the land. Vehicles can continue to park in the semi-circular driveway or in the attached two-car garage without approval of the variance request. Additionally, staff believes that reducing the minimum side building setback to 1 foot is a major departure from establishing building setback standards in the City of Bryan and could have negative effects on properties in the vicinity. All other properties on the same block face as the subject property appear to have observed minimum side building setbacks. None have structures that extend to within 1 foot of the side property line as proposed by the applicant. If structures such as this carport were routinely allowed in the City of Bryan, such encroachments could lead to overcrowding of land with buildings in Bryan's neighborhoods and could therefore lead to the gradual diminution in the value of neighborhood properties.

#### **RECOMMENDATION:**

Based on all of the aforementioned considerations, staff recommends **denying** this requested variance. Granting this variance could result in disrupting the established orderly development pattern and of the Wheeler Ridge neighborhood. The City of Bryan adopted setback requirements to preserve the aesthetics of neighborhoods by preventing overcrowding and allowing open space between residential structures to allow for emergency personnel to access the rear of the property. Without approval of this variance request the applicant still has the alternative option of protecting their travel trailer from natural weather by parking in the attached two-car garage on the property.